

Before The
FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C.

In The Matter Of
Creation of a Low Power Radio Service

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)MM Docket 99-25
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□ SUMMARY

1. LPFMs should be allowed to be transferred for actual expenses incurred from operation and construction.
2. Time Share Proposal Time limits should be extended to 90 days
3. LPFM Ownership Restrictions should be lifted with a national total of 20 licenses allowed.
4. Multiple Ownership of LPFM Stations should be allowed.
5. LPFM Construction Permits should be extended to 36 months.
6. Time Share stations should be allowed to co-locate tower and transmitter and studios.
7. LPFM deserves Primary Status including protection from full power stations.
8. LPFM should never be a victim of encroachment
9. LPFM Power Levels should increase to 250 watts ERP, especially in rural areas.
10. LPFMs should have the option as a commercial or non-commercial operation.
11. LPFM licensees should be subject to the same rules as full power stations in regard to the type of transmitter approved by the FCC for use. "Certified" only adds unneeded expense.
12. Third Channel Adjacents should be opened to future LPFM applicants.
13. No change is sought in defining local programming. Any change hinders LPFM.

□ OVERVIEW

The Low Power FM Radio Service created by the Federal Communications Service is an exceptional benefit to communities and locales that are underserved or simply not served at all by any form of media. In many instances, Low Power FM is the only truly local daily source of information for specific communities and locales. From isolated rural communities to neighborhoods in urban settings, most suffer from a lack of media dedicated to their area. LPFM builds sense of community and offers an outlet for important information for the localized area.

Low Power FM is living in a small box right now. Those pioneers in LPFM struggle to serve their communities. Their situations all differ from one another, reflecting the attitudes of the community and the amount of time operators can spend on the station. In virtually every case, the many LPFM licensees tell me their station is surviving well below the station's potential with most of their goals not being realized. This is partly based on the small box LPFM lives in. I believe LPFM can flourish when options allow LPFM licensees to adapt their operation to their community.

I. CONCERNING THE TRANSFER OF CONTROL FOR LPFM LICENSES

I support allowing LPFM licensees to transfer control to another organization. LPFM Operators should not be singled out regarding transfer of control of the license. It is factual to state non-profit organizations frequently change Board Members resulting in over 50% change in the Board resulting in a change of control. It is also factual to state that non-profit organizations change their direction in service to the community. It is factual to state that some non-profits realize that a LPFM license seemed

like a good thing only to become a burden they no longer can afford either due to financial constraints or lack of volunteers to oversee the operation or both. In such instances, I feel it only fair to allow such organizations to receive a payback of their costs involved with the LPFM. This should not only include actual costs of equipment but all maintenance that has been incurred by the non-profit. For example, if the construction cost was \$22,000.00 and operation cost less financial support is \$23,000.00, then the LPFM should be capable of asking \$45,000.00 for said license. Rules should be written to reflect the rules for compensation for mutually exclusive applicants. I believe this will go far in preventing abuse and eliminate the 'gold rush' attitude of the money hungry organization.

In the question of whether the non-profit should be local, I do not feel this is being fair to dedicated non-profit organizations, regardless of location. Instead, I propose to allow transfer of control to ANY qualified non-profit organization with the requirement that at least one person shall be directly involved in the day-to-day operation of the LPFM.

The allowing for Transfer of Control is in line with the FCC's directive to provide for licensed media for areas with little or no service. Little or no service can apply to both rural and urban areas. To cite an example, Jersey Village, Texas, surrounded by sprawling Houston has no media. Likewise, KPAI LP in Paisley Oregon is the only radio station on the AM or FM dial in this community with no newspaper or other media. To allow Transfer of Control, ensures service to these communities who would have no service if Transfer of Control rules are not changed.

II TIME SHARE PROPOSAL TIME LIMITS

As I stated in my overview, LPFM is living in a small box. For Low Power FM to realize it's potential, options must be available. Such an option is a liberal amount of time for two or more entities to work out an agreement on time sharing. With most non-profits run by volunteer boards, these groups fight the scheduling conflicts of, sometimes, several groups in order to meet and discuss a suitable plan. Adding more time might not remedy all cases, but certainly it opens the door to eliminate most problems. Thus, I support the extension of time allowed for time sharing proposals from 30 to 90 days.

III. LPFM OWNERSHIP RESTRICTIONS

The restriction of ownership of Low Power FM stations to local entities is discriminatory. Whether local, regional or national is not an indication of whether an entity can effectively serve a community through a Low Power FM. As I hope to be an applicant in the future, I am required for financial reasons to stay put until such an opportunity is allowed by the FCC. By my location, at present, being distant from the community where my organization would apply for a LPFM station has no bearing on the level of service and dedication to community my organization would provide. I believe the initial ruling was to eliminate the possibility of a string of puppet LPFMs not providing local service. To make sure the organization has a local presence, at least one person from the organization must be involved in the day-to-day operation of the station. This requirement will ensure the LPFM operates in the community's best interest.

Therefore, I do not support the idea that only local entities can

apply for a LPFM license. I do believe a stipulation that at least one person from said organization must be involved in the day-to-day operation of the LPFM will ensure local service and dedication to providing for the community's needs.

IV MULTIPLE OWNERSHIP OF LPFM STATIONS

No other class of radio station is restricted to one license. To say a non-profit organization cannot serve several communities with several stations is pure nonsense. If this is the case, how might the FCC justify requests for licenses from ALL applicants who own more than one station. I understand the concept of Low Power FM and how the intention is to specifically provide service to a very localized area.

I shall refer to Dunn County, North Dakota as an example of how such a restriction will keep Low Power FM in a small box, never to reach it's full potential. Dunn County, while large in area, has a small population with only one distantly owned weekly newspaper. Each community that desires radio service cannot individually support a Low Power FM, much less a Class A. By allowing a non-profit organization to enjoy multiple stations, local programming could be supplemented by a simulcast of county-wide programming supported by the county as a whole instead of solely by each small community. Through sharing expenses and having a common Underwriting/Funding employee, an organization could financially provide local and county-wide service via 3 Low Power FM stations, garnering the needed dollars for support while providing the county and these three communities (Killdeer, Halliday and Dodge) with their first local service. Some responders may say otherwise, but I claim through my 27+ years in radio that this is the ONLY way the county's communities could feasibly operate their own LPFMs.

I believe multiple ownership should be permitted but restricted in number. I believe any organization exceeding, say 20 licenses would be at risk of becoming regionally based versus locally based in their operations. Certainly, already, cookie-cutter applications from like minded organizations has resulted in satellite delivered national programming without a local influence. This is a result of a loophole in FCC rules that looks at the local presence of an organization. I know that a check on the yes box on an LPFM application means the applicant will offer at least 8 hours of locally originated programming a day. How will the FCC act when an applicant, in good faith, checked that box only to find that after the newness wore off, running non-local programming around the clock became the only way the station could continue to operate?

I support multiple ownership of LPFM licenses only when the licensee guarantees a local studio with at least one person per license attending to the day to day operation of the station. Under such revision of the rules, a local entity with no other LPFM licenses should be given the nod over a multiple station organization. Remember the pre-auction days when station licenses were awarded generally to the company or organization that had no other stations and guaranteed to be involved in the day-to-day operations of the station?

V LPFM CONSTRUCTION PERMITS

As I have mentioned, LPFM is living in a small box. To realize it's full potential, it needs options. The extension of the construction permit from 18 to 36 months is indeed reasonable and in line with offering much needed options to Low Power FM. I

support the granting of 36 month Construction Permits versus 18 months.

VI. TIME SHARE TRANSMITTER LOCATION

Share the time, share the expense. This is a great idea. I see LPFM coming out of its box and reaching it's potential with such an allowance. Obviously each time sharing group will be handicapped in ability to fund itself by being restricted to a limited broadcast time per day. To allow cooperating organizations to lower initial expenses and operations helps to guarantee that the level of service to the community is substantial and that technical requirements are adhered to. I suggest the FCC permit such transmitter/antenna co-location and make it as easy as possible for the applicants to do.

VII LPFM: SECONDARY VERSUS PRIMARY

I definitely support PRIMARY status for LPFM stations. They should be afforded the same protection as ANY primary service. I based this on the fact LPFM provides a level of dedicated service to its community of license. This, I feel, is in line with the agenda of the FCC as far as licensing stations is concerned.

It makes absolutely no sense for a non-profit organization to risk their investment in a Low Power FM station when it can easily be displaced by a full power station or even a translator. As the LPFM service is designed to improve the quality of life in it's community, it is a needed service that should be afforded Primary status in all cases. Full Power stations should not be allowed to encroach. Translator stations, by the rules set forth by the FCC, are not local in nature and therefore secondary to the LPFM in all respects pertaining to local service.

For LPFM to climb out of it's tiny box and flourish, it must not be dealing with the constant threat of encroachment. LPFM deserves to earn the status of a PRIMARY service. I object to the belief that a radio station covering a larger area/population better serves a community. The financial requirements of a full power operation dictate that the station must follow the money, especially in light of the recent auctions where I ponder how an auction winner, in virtually every case, can afford the debt service and still offer a substantial level of local service to it's community of license. Low Power FM, on the other hand, allows a significantly lower investment for entry and by mere coverage, requires the licensee to provide a superior service to it's community to remain financially solvent. Translators were allowed, through my understanding of FCC Rules, to provide unduplicated service to underserved areas or to allow a full power station to realize their true coverage area that has been lessened by topography. It seems to me that translator abuse is continuing to occur, as it has for the past 20 years. LPFMs should be capable of displacing a translator only when no suitable frequency can be found. LPFMs should be considered preferred to translators by the FCC because of the localized service an LPFM provides. Translator stations are licensed with the understanding they are secondary in nature and subject to being bumped by full power stations under the current rules. The translator cannot say they did not accept such a fact without both eyes open.

The only Translators that should even be considered for some form of elevated secondary status would be those that are being used to provide coverage to their area that the original signal would normally reach if it weren't for local topography preventing full coverage.

For full power stations wanting to execute a move that would encroach on a LPFM, the full power station should burden the cost of moving the LPFM to another available frequency at no cost to the LPFM. If no new frequency for the LPFM can be found, then the move should be denied.

VIII CONTOUR OVERLAPPING OR MINIMUM DISTANCE SEPARATION

The use of minimum separation requirements for LPFM creates more opportunity for translators and less for LPFM. LPFM stations should have the option of choosing their method of minimum distance or the contour overlap method. This allows LPFMs an option when minimum separation requirements will not allow LPFM to work. Since contour overlapping takes in to account the terrain and local conditions as they relate to radio signals, the unique circumstances in certain situations will allow a LPFM to establish itself when minimum distance separation will not permit a station. This is allowed for translators already, why not LPFM?

IX. POWER LEVELS

While I suggested a coverage area about the size of a township (ie: 100 watts ERP at 30 meters) in my comments before the LPFM service was created, I now, through visiting numerous LPFM operators that this power level, in some instances, is simply too low. I would like the FCC to consider allowing LPFM stations to increase power levels to 250 watts, equal to the translator.

My reasoning is simple: Many LPFMers cover an a